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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013-416*

12 **CHRISTINA GRACE YOUNG**
13 **3935 Bonita View Drive**
14 **Bonita, CA 91902**

A C C U S A T I O N

15 **Registered Nurse License No. 622841**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about July 29, 2003, the Board of Registered Nursing issued Registered Nurse
23 License Number 622841 to Christina Grace Young (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 July 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

". . . ."

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "....

7 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
9 section."

10 8. Code section 4060 states:

11 "No person shall possess any controlled substance, except that furnished to a person upon
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
14 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
15 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
16 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph
17 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the
18 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
19 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
20 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
21 with the name and address of the supplier or producer. Nothing in this section authorizes a
22 certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to
23 order his or her own stock of dangerous drugs and devices."

24 9. Health and Safety Code section 11170 provides that no person shall prescribe,
25 administer, or furnish a controlled substance for herself.

26 10. Health and Safety Code section 11173, subdivision (a) states:

1 "No person shall obtain or attempt to obtain controlled substances, or procure or attempt to
2 procure the administration of or prescription for controlled substances (1) by fraud, deceit,
3 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

4 COSTS

5 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 DRUGS

12 12. **Dextroamphetamine**, also known by the name Dexadrine or Detrostat, is a Schedule
13 II controlled substance as designated by Health and Safety Code section 11055(d)(1), and is a
14 dangerous drug pursuant to Code section 4022. Dextroamphetamine is a central nervous
15 stimulant used to treat narcolepsy, and attention deficit hyperactivity disorder (ADHD).

16 13. **Adderall**, the brand name for a combination of dextroamphetamine and
17 amphetamine, is a controlled substance as designated by Health and Safety Code section
18 11055(d)(1), and is a dangerous drug pursuant to Code section 4022. Adderall is used as part of a
19 treatment program to control symptoms of attention deficit hyperactivity disorder (ADHD). The
20 combination of dextroamphetamine and amphetamine is in a class of medications called central
21 nervous system stimulants.

22 FACTS

23 14. On November 26, 2012, in a criminal case entitled, *The People of the State of*
24 *California v. Christina Grace Young*, San Diego County Superior Court case number CD243231,
25 Respondent was originally charged with six counts of burglary under Penal Code section 459 (on
26 June 10, 2010, September 7, 2010, November 20, 2011, December 3, 2010, February 18, 2011,
27 and February 21, 2011), all felonies; and five counts obtaining prescriptions for controlled
28 substances by fraud/deceit under Health and Safety Code section 11173(a) (on September 7,

2010, November 20, 2011, December 3, 2010, February 18, 2011, and February 21, 2011), all felonies. Respondent pled guilty to two counts of violating Health and Safety Code section 11173(a), obtaining prescriptions for controlled substances by fraud/deceit, and the other charges were dismissed as a result of a plea bargain.

15. The facts that led to Respondent's guilty plea are that Respondent became employed by Dr. M.S. in April 2004 as a surgical nurse. On or about September 7, 2010, Respondent forged a prescription for 45 10 mg tablets of Dextroamphetamine using Dr. M.S.'s medication prescription pad, signature, and DEA number, and presented the forged prescription to the Rite-Aid Pharmacy. The pharmacy filled the forged prescription, and dispensed the Dextroamphetamine to Respondent. On or about November 20, 2011, Respondent forged a prescription for 30 10 mg tablets of Adderall again using Dr. M.S.'s medication prescription pad, signature, and DEA number, and presented the forged prescription to the Rite-Aid Pharmacy. The pharmacy filled the forged prescription, and dispensed the Adderall to Respondent. Respondent admitted that she was taking the drugs to treat her self-diagnosed Attention Deficit Syndrome.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Obtaining Controlled Substances for Self Use Through Fraud/Deceit)

16. Respondent is subject to discipline under Code section 2761, subdivision (a) for unprofessional conduct as defined by Code section 2762, subdivision (a), in violation of Code section 4060, and Health and Safety Code sections 11170 and 11173, subdivision (a), for obtaining controlled substances, Adderall and Dextroamphetamine, for self-use through fraud and deceit, as set forth in paragraphs 14 and 15, which are incorporated here by this reference.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Forging Prescriptions for Controlled Substances)

17. Respondent is subject to discipline under Code section 2761, subdivision (a) for unprofessional conduct as defined by Code section 2762, subdivision (e), for forging

1 prescriptions for the controlled substances, Adderall and Dextroamphetamine, as set forth in
2 paragraphs 14 and 15, which are incorporated here by this reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Dangerous Use of Controlled Substances)**

5 18. Respondent is subject to discipline under Code section 2761, subdivision (a) for
6 unprofessional conduct as defined by Code section 2762, subdivision (b), for her dangerous use
7 of controlled substances, Adderall and Dextroamphetamine, as set forth in paragraphs 14 and 15,
8 which are incorporated here by this reference.

9 **PRAYER**

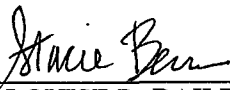
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 622841 issued to
13 Christina Grace Young;

14 2. Ordering Christina Grace Young to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: FEBRUARY 13, 2013

19 *for* 
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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